

Message Text

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E.O. 11652: N/A

TAGS: ALEG, MX

SUBJECT: DEPOSITIONS FOR CASE OF DALLAS CERAMIC CO. V.
UNITED STATES

1. SCOTT P. CRAMPTON, ASSISTANT ATTORNEY GENERAL, TAX DIVISION, JUSTICE DEPARTMENT; SENT STATE DEPARTMENT LETTER MARCH 13, CONCERNING CIVIL CASE NO. CA-3-7615-D (ND TEXAS), DALLAS CERAMIC CO. V. UNITED STATES. THE CASE IS TAX REFUND ACTION IN WHICH PLAINTIFF-CORPORATION SEEKS RECOVER TAXES ALLEGEDLY OVERPAID TO USG IN AMOUNT \$612,303.36. ONE OF ISSUES CONCERNS NATURE OF PLAINTIFF'S DEALINGS WITH ITS MEXICAN SUBSIDIARY.

2. PLAINTIFF HAS GIVEN NOTICE THAT DEPOSITIONS OF NINE MEXICAN CITIZENS WILL BE TAKEN IN MEXICO CITY 5 APRIL 1974. USG, AS DEFENDANT, PROPOSES TO SEND REPRESENTATIVES TO THE DEPOSITIONS TO PROTECT INTEREST OF USG THROUGH CROSS-EXAMINATION OF WITNESSES. SINCE PERSONS BEING DEPOSED ARE MEXICAN CITIZENS, THEIR APPEARANCE AT DEPOSITIONS ENTIRELY VOLUNTARY. CRAMPTON STATES THIS METHOD OF TAKING DEPOSITIONS IN MEXICO ALLOWED UNDER FEDERAL RULES OF CIVIL PROCEDURE AND, ACCORDING TO MEXICAN CONSUL IN DALLAS, PERMISSIBLE IN MEXICO SINCE APPEARANCE BY MEXICAN

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CITIZENS IS VOLUNTARY.

3. USG'S TRIAL ATTORNEY IN CASE, LYNN ROSS, WILL REPRESENT USG AT DEPOSITIONS AND DO ANY CROSS-EXAMINATION NECESSARY. HE WILL BE ACCOMPANIED BY JOHN DIERKER, ATTORNEY WITH OFFICE OF REGIONAL COUNSEL, IRS, DALLAS; AND HAROLD KROM, REVENUE AGENT, IRS, DALLAS.

4. IN MARCH 3 ROSS-DCM DEAN TELECON, DEAN REQUESTED THAT JUSTICE NOTIFY STATE OF FACTS, AND THAT STATE SEND EMBASSY GUIDANCE ON PROPOSED ACTION.

5. STATE HAS NO OBJECTION TO JUSTICE PROPOSAL. HOWEVER, GOM SHOULD BE ADVISED OF FACTS AND JUSTICE'S PLANNED ACTION. GOM RESPONSE IS DETERMINING FACTOR AS TO WHETHER JUSTICE MAY PROCEED OR NOT. ROSS (TELEPHONE: 514-749-1251) SHOULD BE ADVISED WHETHER OR NOT PROPOSAL HAS GOM APPROVAL AND, IF SO, ANY SPECIAL PROCEDURES TO BE COMPLIED WITH. COPY THIS TELEGRAM BEING SENT ROSS AND CRAMPTON.

6. PLEASE ADVISE STATE OF GOM RESPONSE. KISSINGER

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